

RESOLUTION 15-05

1 A RESOLUTION OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR
2 QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF
3 EXEMPTION, ADOPTING THE 2015 8-HOUR REASONABLY AVAILABLE CONTROL
4 TECHNOLOGY – STATE IMPLEMENTATION PLAN ANALYSIS (2015 RACT SIP
5 ANALYSIS) AND DIRECTING STAFF ACTIONS.

6 On July 21, 2015, on motion by Member CRIST, seconded by Member CHELETTE, and carried,
7 the following resolution is adopted:

8 **WHEREAS**, the Antelope Valley Air Quality Management District (AVAQMD) has authority
9 pursuant to California Health and Safety Code (H&S Code) §§40702, 40725-40728 to adopt, amend or
10 repeal rules and regulations; and

11 **WHEREAS**, the Federal Clean Air Act (FCAA) requires areas designated non-attainment and
12 classified moderate and above to implement Reasonably Available Control Technology (RACT) for
13 sources subject to Control Technique Guidelines (CTG) documents issued by the United States
14 Environmental Protection Agency (USEPA) for “major sources” of volatile organic compounds (VOCs)
15 and oxides of nitrogen (NO_x) which are ozone precursors; and

16 **WHEREAS**, effective May 27, 2008 (73 FR 16436, March 27, 2008), USEPA lowered the
17 primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to
18 0.075 ppm; and

19 **WHEREAS**, for purposes of the FCAA, the District has been designated non-attainment for
20 ozone and classified as Severe-15 for the 8-hour standard; and

21 **WHEREAS**, as a result of this change, USEPA is requiring that all non-attainment areas adopt
22 and submit an updated *RACT SIP Analysis* to ensure that District rules adequately address current RACT
23 requirements; and

24 **WHEREAS**, in 2006 the AVAQMD adopted the *8-Hour Reasonably Available Control*
25 *Technology – State Implementation Plan Analysis (RACT SIP Analysis)* in response to change on March
26 9, 2006 of the previous ozone standard from measurement on a one- hour basis (1-hour ozone standard) to
27 an eight-hour basis (8-hour ozone standard); and

28 **WHEREAS**, on September 11, 2006, USEPA provided comments on the 2006 *RACT SIP*
Analysis requesting additional analysis on several rules to determine if they still represented RACT; and

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1 **WHEREAS**, on March 13, 2014, the AVAQMD sent the *8-hour Ozone Reasonably Available*
2 *Control Technology (RACT) State Implementation Plan (SIP) Analysis – Supplemental Analysis*
3 addressing these comments and providing the requested analysis of those rules identified by USEPA; and

4 **WHEREAS**, this update was not acted on by the Governing Board pursuant to USEPA direction;
5 and

6 **WHEREAS**, the AVAQMD must now adopt an updated *2015 RACT SIP Analysis* for the 2008
7 0.075 ppm 8-hour ozone NAAQS; and

8 **WHEREAS**, the information contained in the original 2006 *RACT SIP Analysis*, the information
9 in the supplemental *2014 RACT SIP Analysis*, together with this document, will comprise an analysis
10 sufficient to satisfy the RACT SIP Analysis request for the 0.075 ppm 8-hour ozone NAAQS; and

11 **WHEREAS**, the *2015 RACT SIP Analysis* document satisfies 42 U.S.C. §§7511a (FCAA §182)
12 regarding RACT requirements for the 8-hour ozone NAAQS, and

13 **WHEREAS**, the resultant *2015 RACT SIP Analysis* will, upon adoption, be submitted to USEPA
14 for approval; and

15 **WHEREAS**, the proposed adoption of the *2015 RACT SIP Analysis* is necessary because the
16 AVAQMD has been designated as an ozone non-attainment area and classified Severe-15 for the 0.075
17 ppm 8-hour ozone standard; and

18 **WHEREAS**, the AVAQMD has the authority pursuant to H&S Code §40702 to amend rules and
19 regulations; and

20 **WHEREAS**, the proposed adoption is clear in that the meaning can be easily understood by the
21 persons impacted by the *2015 RACT SIP Analysis*; and

22 **WHEREAS**, the proposed amendments are in harmony with, and not in conflict with, or
23 contradictory to existing statutes, court decisions, or state or federal regulations because this document is
24 required to be developed pursuant to the FCAA and the regulations promulgated thereunder; and

25 **WHEREAS**, the proposed amendments do not impose the same requirements as any existing state
26 or federal regulation because federal law requires either certification of RACT status or updating rules to
27 current RACT; and

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1 **WHEREAS**, the proposed adoption is necessary because the AVAQMD has been designated as
2 an ozone non-attainment area and classified Severe-15 for the 0.075 ppm 8-hour ozone standard and must
3 submit a RACT SIP Analysis to the USEPA pursuant to the FCAA; and

4 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H&S Code
5 §40725, concerning the proposed adoption of the *2015 RACT SIP Analysis*; and

6 **WHEREAS**, the public hearing to consider the adoption of the *2015 RACT SIP Analysis* was
7 originally noticed for the May 19, 2015 Governing Board meeting; and

8 **WHEREAS**, the AVAQMD received substantive comments from USEPA and continued the
9 hearing to June 16, 2015 and again to July 21, 2015 to address the comments; and

10 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the
11 proposed adoption of the *2015 RACT SIP Analysis*, completed in compliance with the California
12 Environmental Quality Act (CEQA), has been presented to the AVAQMD Board; each member having
13 reviewed, considered and approved the information contained therein prior to acting on the proposed
14 adoption of the *2015 RACT SIP Analysis*, and the AVAQMD Board having determined that the proposed
15 adoption will not have any potential for resulting in any adverse impact upon the environment; and

16 **WHEREAS**, the Board has considered the evidence presented at the public hearing; and

17 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the AVAQMD finds
18 that the proposed adoption of the *2015 RACT SIP Analysis* is necessary, authorized, clear, consistent, non-
19 duplicative and properly referenced; and

20 **BE IT FURTHER RESOLVED**, that the Governing Board of the AVAQMD hereby makes a
21 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of
22 Exemption for the proposed adoption of the *2015 RACT SIP Analysis*; and

23 **BE IT FURTHER RESOLVED**, that the Board of the AVAQMD does hereby adopt, pursuant to
24 the authority granted by law, the proposed *2015 RACT SIP Analysis*, as set forth in the attachments to this
25 resolution and incorporated herein by this reference; and

26 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption,
27 that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions
28 of CEQA.

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1 PASSED, APPROVED AND ADOPTED by the Governing Board of the Antelope Valley Air Quality

2 Management District by the following vote:

3 AYES: 4 MEMBER: CRIST, HAWKINS, CHELETTE, UNDERWOOD-JACOBS

4 NOES: MEMBER:

5 ABSENT: 4 MEMBER: MANN, LEDFORD, DISPENZA, LAWSON

6 ABSTAIN: MEMBER:

7 STATE OF CALIFORNIA)

8 COUNTY OF LOS ANGELES)

SS:

10 I, Crystal Goree, Deputy Clerk of the Governing Board of the Antelope Valley Air Quality
11 Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the
12 action as the same appears in the Official Minutes of said Governing Board at its meeting of July 21,
13 2015.

14 *Crystal Goree*

15 Deputy Clerk of the Governing Board,
16 Antelope Valley Air Quality Management District.